

REMARKS

This amendment responds to the Office Action mailed December 20, 2000 along with a three-month extension of time. Accordingly, applicant respectfully submits that this response is being timely filed.

Claims 1-9 were pending. In this submission, Claim 6 was canceled without prejudice or disclaimer. Claims 10-18 are submitted herewith. Accordingly, claims 1-5 and 7-18 are now pending in the present application and, for the reasons set forth below, are believed to be in condition for allowance.

OBJECTIONS TO THE DRAWINGS:

The drawings have been corrected pursuant to the objections in the Office Action and revised Figures 1-7 are attached hereto. The specification has also been amended so that the numbers in the drawings correspond to the numbers in the specification.

REJECTION PURSUANT TO § 112, PARAGRAPH 2

The Office Action rejects Claims 1-5 pursuant to 35 USC § 112, ¶2, namely with regard to the use of the term "step." Claims 1 and 4, with regards to § 112, ¶2, have been amended to more clearly show that the claim is directed to a lighting apparatus for mounting on the nose of a "stair step." Based on the foregoing amendments, Applicants respectfully traverse this rejection.

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REJECTION PURSUANT TO §102(e)

The Office Action rejects Claims 1-3 under 35 U.S.C. §102(e) as being anticipated by Nagano (5,918,962). In particular, the Office Action states that Nagano discloses, "the second portion having a material selected to reflect available light so as to illuminate the edge of the step." (Office Action, p. 3.) The Office Action further states "most materials, including light transmitting or translucent type, have the property of light reflection; very dark or black colored materials may be considered an exception." *Id.*

However, the use of the phrase "reflect available light so as to illuminate the edge of the step" is misunderstood by the Office Action with respect to the understanding of one skilled in the art. While it is true that all visible objects reflect light to some degree and, therefore, can be seen, they are not considered illuminating of the surrounding area, particularly in a darkened environment. Webster's Unabridged Dictionary, 2nd Edition defines "illuminate" as "to give light to; to light up." (See Exhibit A attached.) Common visible objects do not "light up" other objects by virtue of their own visibility.

Claim 1 has been amended to more particular point out that it is the reflectance factor of the second portion that illuminates the stair step. The reflectance factor of the second portion, "greater than or equal to light gray polyvinyl chloride," is sufficient to illuminate the nose of the stair step so that the stair step is visible in a darkened environment, such as a theater, using available

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light. New Claims 14-18 also refer to the use of the reflective nature of the second portion to illuminate the stair step.

Attached hereto as Exhibit B is an excerpt from the Lighting Handbook, 8th Edition showing the definition of "reflectance factor" and other terms regarding reflectivity as understood by those skilled in the art of lighting. Based on the amendment to Claim 1 and the submission of Claims 14-18, Applicants respectfully traverse the rejection of the Office Action.

Moreover, Applicant has submitted new claims 10-13. These claims are submitted in response to the citation of the Nagano reference. In particular, Nagano uses a powered "light string 61" to illuminate the edge of a step. (See Nagano, Figure 13 and col. 3, lines 19-21.) New claims 10-13 particularly Claim 10, refer to the use of a strip, unconnected to a power source, to reflect light from the edge of the step to illuminate the edge of the step. This invention has clear differences and advantages over Nagano regarding power conservation and aesthetics.

OBJECTIONS TO CLAIMS 4-5 AND 7-9:

The Office Action states that Claims 4-5 and 7-9 contain allowable subject matter if rewritten or amended to overcome these rejections. Accordingly, Applicants respectfully submit that these claims are in condition for allowance.

Dr

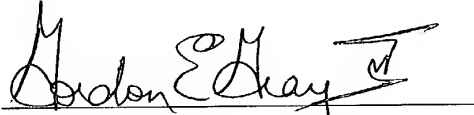
CONCLUSION

In each case, the pending rejections should be reconsidered in view of the amendments and remarks herein. Applicants believe that this case is in good condition for allowance, and a Notice of Allowance is earnestly solicited. If a telephone or further personal conference would be helpful, the Examiner is invited to call the undersigned, who will cooperate in any appropriate manner to advance prosecution.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington DC 20231

on June 20, 2001
Daniel Kerby
Signature
June 20, 2001
Date

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1 1. (Amended) A lighting apparatus comprising:
2 a first extruded portion shaped to mount on the nose of a stair step; and,
3 a second extruded portion coextruded with said first portion, said second
4 portion comprising a material selected to [reflect available light so as to illuminate the edge
5 of said step] have a reflectance factor greater than or equal to light gray polyvinyl chloride.

1 4. (Amended) [The apparatus of claim 3 wherein said strip comprises]
2 A lighting apparatus comprising:
3 a first extruded portion shaped to mount on the nose of a stair step; and,
4 a second extruded portion coextruded with said first portion, said second
5 portion having a light gray polyvinyl chloride strip positioned by said first portion to be
6 disposed along the edge of the stair step.

1 7. (Amended) [The apparatus of claim 6 further including] A
2 lighting apparatus mountable in connection with a step of a staircase and comprising:
3 a first plastic extruded portion providing a step plate surface and a riser
4 surface mounted at a right angle with respect to one another and dimensioned to be mounted
5 on the nose portion of a stair step;
6 a second plastic light reflective strip coextruded with said first portion and
7 located so as to be disposed at and visible along an edge of said step in a darkened
8 environment; and,
9 a lamp mounted on a portion of a seat, said seat being located adjacent to
10 said step.

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